

### REMARKS

Claims 9-17 have been canceled and replaced with claims 18-26. No new matter is believed to have been introduced with these claim amendments. The claim amendments are neither narrowing amendments nor in response to 35 U.S.C. §102, §103 or §112 concerns.

The Examiner has required restriction under 35 U.S.C. §121 between one of the following groups, which the Examiner has alleged as being distinct inventions:

Group I, claim(s) 10-11, drawn to a process of manufacturing cyclic  $\beta$ -turn peptide mimetic compounds containing a D-Pro-Pro template.

Group II, claim(s) 12-14, drawn to a process of synthesis in order to yield a library of cyclic  $\beta$ -turn peptide mimetic compounds containing a D-Pro-Pro template.

Group III, claim(s) 15-17, drawn to library of numerous cyclic  $\beta$ -turn peptide mimetic compounds containing a D-Pro-Pro template compounds.

The Examiner states that Groups I-III do not relate to a single general inventive concept, because they allegedly lack the same or corresponding special technical features for the following reasons:

**The technical feature linking Groups I-III appears to be that they all relate to a method of preparation of cyclic  $\beta$ -turn peptide mimetic compounds containing a D-Pro-Pro template.**

**However, Favre et al. (cited in IDS filed 26 February, 2002) teach a method of preparation of cyclic  $\beta$ -turn peptide mimetic compounds containing a D-Pro-Pro template.**

**Therefore, the technical feature linking the invention of Groups I-III does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art.**

Originally, there were only eight (8) claims filed in corresponding PCT/EP 99/0639. However, Applicant filed a new set of claims 1-9 with a letter of May 10, 2001 in the PCT application. In a preliminary amendment filed February, 26, 2002, Applicants canceled claims 1-8, and substituted therefore new claims 9-17.

In the present Restriction Requirement, the Examiner indicates that claims 1-9 are canceled, and that claims 10-17 are pending. However, claim 9 was not previously canceled by Applicants, and therefore should have been included in Group I. In an effort to clear up this confusion, Applicants have now canceled claims 9-17, and substituted therefore new claims 18-26. Therefore, nine claims are pending. No new matter was introduced by these amendments.

In view of the present claim amendments and remarks, the corresponding Groups of claims would be as follows:

Group I, Claims 18-20, drawn to a process of manufacturing cyclic  $\beta$ -turn peptide mimetic compounds, not limited to compounds containing a D-Pro-Pro template.

Group II, Claims 21-23, drawn to a process of synthesis in order to yield a library of cyclic  $\beta$ -turn peptide mimetic compounds, not limited to compounds containing a D-Pro-Pro template.

Group III, Claims 24-26, drawn to a library of numerous cyclic  $\beta$ -turn peptide mimetic compounds, not limited to compounds containing a D-Pro-Pro template.

Applicants elect to pursue Group I (claims 18-20), with traverse for the reasons set forth below.

As mentioned above, Applicants do not agree with the Examiner's characterization of Groups I-III as being linked by a method of preparation of cyclic  $\beta$ -turn peptide mimetic compounds containing a D-Pro-Pro template, simply because the compounds in the claims are not limited to compounds containing such a template. Only formula (a) in claim 18 includes a D-Pro-Pro template, but formula (a) is not limited to such a template. Furthermore, claims 19-26 in Groups I-III depend, either directly or indirectly, from claim 18. Therefore, the compounds in the claims are not limited to mimetic compounds containing a D-Pro-Pro template.

Rather, the important, and novel, technical feature linking Groups I-III is the combination of the following characteristics, as defined in claim 18:

- (i) The synthesis defined in claim 18 starts by coupling to the functionalized support an appropriately N-protected derivative of that amino acid which in the desired end-product is in position  $n/2$ ,  $n/2+1$  or  $n/2-1$  if  $n$  is an even number and, respectively, in position  $n/2+1/2$  or  $n/2-1/2$  if  $n$  is an odd number, cf. step (a);
- (ii) the support is derived from polystyrene crosslinked with divinylbenzene, cf. step (a);
- (iii) the support is functionalized with a 2-chlorotrityl linker, cf. step (a); and
- (iv) the cyclization is carried out by means of HATU / HOAt, cf. step (n).

The process, as defined in claim 18, by which the compounds are synthesized is different from that reported in Favre, et al (D1). For example, Claim 18 requires that the solid support is derived from polystyrene cross linked with divinylbenzene and functionalized with a 2-chlorotrityl linker, which is different from Favre, et al.

Whereas it is true that Favre, et al. disclose a method of preparation of cyclic  $\beta$ -turn peptide mimetic compounds containing a D-Pro-Pro template, this is not the salient point at stake here. More importantly, the resin utilized by Favre, et al. is Tentagel®, i.e., polystyrene coated with polyethyleneglycol spacers, and their linker is Sasrin®, hence the process defined in claim 18 of the present invention differs from that taught by Favre, et al. in the above-mentioned features (ii) and (iii). Accordingly, it is not appropriate to take the position that in view of Favre, et al. “the technical feature linking Groups I-III does not constitute a special technical feature..., as it does not define a contribution over the prior art”.

In view of the foregoing, Applicants submit that Groups I-III are linked by a novel method, as defined in claim 18, of preparing cyclic  $\beta$ -turn peptide mimetic compounds. Therefore, Groups I-III are related under Applicant's disclosure.

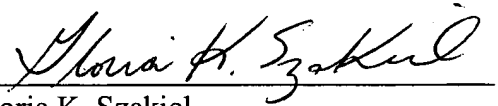
Moreover, by performing a complete search to Group I, the Examiner is likely to have performed a search to the remaining of the groups. Therefore, it would appear that no undue burden of search would be placed on the Examiner, and that a co-extensive search would be virtually mandated.

In view of the remarks above, Applicants respectfully request that the requirement for restriction be withdrawn and consideration of all of the claims on the merits be commenced. At the very least, Applicants request that Groups I and II be considered together, since the process of claim 18 (as recited) is capable of being carried out as a parallel array synthesis to yield libraries of compounds of Formula I.

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Applicant submits that no fees are required to make this amendment. However, if any fees are required, please charge same to Deposit Account No. 08-2461. Any questions regarding this matter may be directed to Applicants' undersigned agent at the telephone number given below.

Respectfully submitted,

  
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